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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,320	09/01/2000	Jaideep Srivastava	P3944	5747

24739 7590 11/06/2003

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/06/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/654,320

Applicant(s)

SRIVASTAVA ET AL.

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,935,207 t Logue.

3. Regarding Claim 1, Logue discloses a data-collection system for collecting data about a user through monitoring user interaction on a data-packet-network comprising: a proxy server connected to the data-packet-network for providing user access to the proxy services and for monitoring user access and interaction with those services; a dedicated server interface connected to the data-packet-network for providing user access to the proxy services; and a software application running on the proxy server for collecting and storing data obtained as a result of active user-interaction with the proxy services, (Abstract; Col. 2, lines 19-46; and Col. 11, lines 35-50).

4. Regarding Claims 2 and 14, Logue discloses a data-collection system wherein the data-packet-network is the Internet network, (Col. 2, lines 19-46; Col. 3, lines 66-67; and Col. 4, lines 1-2).

5. Regarding Claim 3, Logue discloses a data-collection system wherein the proxy server and a dedicated server interface are maintained by a same service-providing entity, (Col. 4, lines 2-19 and Col. 6, lines 42-59).

6. Regarding Claim 4, Logue discloses a data-collection network wherein the dedicated server interface is dedicated to providing cobrand services to users of a cobrand partner, (Fig. 5A and 5B; Col. 6, lines 62-67; and Col. 7, lines 1-43).
7. Regarding Claim 5, Logue discloses a data-collection system wherein the proxy services include a data-collection, aggregation and summary service, (Abstract; Col. 5, lines 10-30; Col. 9, lines 20-67; Col. 10, lines 1-67; and Col. 11, lines 1-34).
8. Regarding Claim 6, Logue discloses a data-collection system wherein there are a plurality of dedicated server interfaces, individual ones of such interfaces dedicated to individual ones of a plurality of participating cobrand partners, (Col. 2, lines 19-46 and Col. 4, lines 14-19).
9. Regarding Claim 7, Logue discloses a data-collection system wherein the software application collects demographic data, account-information data, and on-line behavior data, (Abstract; Col. 3, lines 38-44; and Col. 5, lines 13-30).
10. Regarding Claim 8, Logue discloses a data-collection system wherein the collected data about a user is used to construct a multifaceted user profile, (Abstract; Col. 3, lines 38-44; and Col. 5, lines 13-30).
11. Regarding Claim 9, Logue discloses a data-collection system wherein the data-collection is performed in an entirely automated fashion, (Col. 8, lines 45-67; Col. 9, lines 1-18; and Col. 12, lines 1-4).
12. Regarding Claim 10, Logue discloses a data-collection system wherein additional data obtained through non-automated method is added to the data collected

automatically in order to increase the scope of a multifaceted user profile, (Col. 5, lines 10-30).

13. Regarding Claim 11, Logue discloses a data-collection system wherein assembly of the multifaceted user profile is automated, (Col. 8, lines 45-67; Col. 9, lines 1-18; and Col. 12, lines 1-4).

14. Regarding Claim 12, Logue discloses a data-collection system wherein the assembled multifaceted user profile is periodically updated in an automated fashion, (Col. 8, lines 45-67; Col. 9, lines 1-18; and Col. 12, lines 1-4).

15. Regarding Claim 13, Logue discloses a method for collecting, storing, and utilizing data related to a user interacting with proxy services on a data-packet-network comprising the steps of: monitoring all user activity and transactions associated with interactive use of proxy services; parsing applicable data resulting from the user activity and transactions; recording the applicable data in a secure an organized fashion; and incorporating the recorded data for the purpose of creating a multifaceted user profile, (Col. 2, lines 19-46; Col. 5, lines 10-30; Col. 11, lines 35-67; Col. 12, lines 1-40).

16. Regarding Claims 15 and 16, Logue discloses a data-collection method wherein the monitoring step includes the monitoring of transactions including purchases, site registrations, and orders for summary data, (Claim 15); and the user activity includes activity at an interfacing server, (Claim 16), (Col. 2, lines 19-46; Col. 5, lines 10-67; and Col. 6, lines 1-59).

17. Regarding Claims 17 and 18, Logue discloses a data-collection method wherein the recording of applicable data is done to a data repository external (Claim 17), or

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internal (Claim 18), to the server recording the data, (Col. 4, lines 14-19, 53-57 and Col. 6, lines 42-46).

18. Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 1-18.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US PATENT 6,073,168 to Mighdoll;

US PATENT 6,085,226 to Horvitz;

US PATENT 5,796,952 to Davis; and


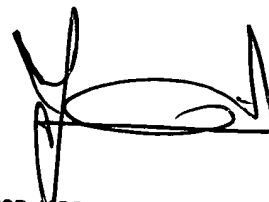
US PATENT 5,768,508 to Eikeland.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-6121.

Arrienne M. Lezak  
Examiner  
Art Unit 2143

  
  
BUNJOB JAROENCHONWANIT  
PRIMARY EXAMINER

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